

### **DETAILED ACTION**

1. Applicant's amendments and remarks, filed on 03/11/2009 and 06/12/2009, are acknowledged.

Claims 1, 4 – 7, 11 and 12 are pending.

Claims 4 and 5 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected Inventions, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 04/20/2007.

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given by Applicant's Representative Eward D. Pergament in a telephone interview with the Examiner on 06/17/2009.

### ***Examiner's Amendment***

#### **In the Claims:**

3. Claims 4 and 5 have been canceled.

4. In claim 1, the phrase "homeopathically activated" has been replaced with:  
-- homeopathically potentised -- .

5. In claim 7, the phrase "wherein said interferon is human interferon" has been replaced with: -- wherein said gamma interferon is human gamma interferon -- .

6. In claim 11, the phrase "recombinant interferon" has been replaced with:  
-- recombinant gamma interferon -- .

### ***Reasons for Allowance***

7. The rejection of record under 35 USC 112, first paragraph, has been withdrawn for the following reasons: Upon reconsideration In view of Applicant's arguments of 12/10/2008 and 03/11/2009, and further in view of the Declaration under 37 CFR 1.132 by Dr. Epshtein filed on 12/10/2009, Applicant is deemed to be in possession of the "homeopathically potentised" form of antibodies to gamma interferon, in particular given the state of the art at the time the invention was made, as evidenced e.g. by German Homeopathic Pharmacopeia (1991, e.g. pages 23 – 38; reference cited on IDS of 03/14/2008).

The rejection of record under 35 USC 102(a) has been withdrawn in view of Declarations under 37 CFR 1.132 by Drs. Kolyadko, Shtark and Epshtein filed on 03/11/2009 and by Drs. Dygay and Epshtein filed on 06/12/2009, which Declarations provide evidence that the cited prior art reference is not an invention "by others."

***Claims 1, 6, 7, 11 and 12 are allowed.***

The prior art does not teach or suggest the claimed medicament comprising a homeopathically potentised form of antibody to gamma interferon.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ILIA OUSPENSKI whose telephone number is (571)272-2920. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram R. Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ILIA OUSPENSKI/  
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Art Unit 1644

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